

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LESKO *et al.*

Appl. No. 09/430,175

Filed: October 29, 1999

For: **Multiple Marker**
Characterization of Single Cells



Art Unit: 1648

Examiner: To be assigned

Atty. Docket: 1887.0020001/RWE/KKV

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

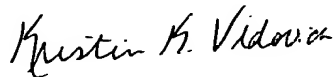
This Information Disclosure Statement is being filed more than three months after the U.S. filing date but before the mailing date of a First Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Kristin K. Vidovich
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Date: April 27, 2000

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1648

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Re: U.S. Utility Patent Application
Appl. No. 09/430,175; Filed: October 29, 1999
For: **Multiple Marker Characterization of Single Cells**
Inventors: Lesko *et al.*
Our Ref: 1887.0020001/RWE/KKV

APR 28 2000
TECH CENTER 1600/2900

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. List of cited references on form PTO-1449 (*11 sheets*);
3. A copy of each of the cited references on Form PTO-1449 (*35 references*); and
4. One (1) Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

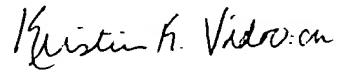
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Assistant Commissioner for Patents
April 27, 2000
Page 2

A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Enclosures

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